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Attorneys for Defendant  
 Merck & Co., Inc.

UNITED STATES DISTRICT COURT  
 EASTERN DISTRICT OF CALIFORNIA

ANDREW GARRICK and VEL GARRICK,

Plaintiffs,

vs.

MERCK & COMPANY, INC., a New Jersey  
 Corporation; MCKESSON CORPORATION,  
 and DOE PHARMACEUTICAL COMPANIES 1  
 through 50, inclusive; DOE PHARMACIES 51  
 through 100, inclusive; DOES 101 through 200,  
 inclusive,

Defendants.

No.: **2:06-cv-00281-LKK-JFM**

**STIPULATION AND ORDER STAYING  
 PROCEEDINGS PENDING TRANSFER  
 TO *IN RE VIOXX PRODUCTS LIABILITY*  
 LITIGATION, MDL NO. 1657**

1 TO THE CLERK OF THE COURT OF THE UNITED STATES DISTRICT COURT FOR  
2 THE EASTERN DISTRICT OF CALIFORNIA:

3  
4  
5 The parties, by and through their counsel, stipulate to and respectfully request a stay of all  
6 proceedings in this action pending the transfer of this case to *In re VIOXX Products Liability*  
7 *Litigation*, MDL No. 1657.

8  
9  
10 Plaintiffs allege personal injuries attributed to the prescription drug Vioxx®. Defendant  
11 Merck & Co., Inc. (“Merck”) manufactured and distributed Vioxx, but voluntarily withdrew Vioxx  
12 from the market on September 30, 2004.

13  
14 On February 14, 2006, Merck, pursuant to Rule 7.5(c) of the Rules of Procedure of the  
15 Judicial Panel on Multidistrict Litigation (“R.P.J.P.M.L.”), provided notice to the MDL Panel of the  
16 pendency of this “tag-along” action and furnished the MDL Panel with a copy of the docket sheet  
17 and complaint. Merck requested that the MDL Panel transfer this action to the multidistrict litigation  
18 known as *In re Vioxx Products Liability Litigation*, MDL No. 1657, currently pending in the Eastern  
19 District of Louisiana, District Judge Eldon Fallon presiding.

20  
21 Merck anticipates that the MDL Panel will issue a Conditional Transfer Order that includes  
22 this action shortly. Plaintiffs have indicated that they will not oppose the Conditional Transfer  
23 Order.

24  
25 A stay will potentially conserve judicial resources and will not cause unfair prejudice to the  
26 parties. *See Rivers v. Walt Disney Co.*, 980 F. Supp. 1358, 1360 (C.D. Cal. 1997) (stay pending  
27 MDL transfer decision action would further judicial economy because “any efforts on behalf of this  
28 Court concerning case management will most likely have to be replicated by the judge that is

1 assigned to handle the consolidated litigation”). The parties agree to a stay of this case pending  
2 transfer to the MDL.

3  
4 Based on the foregoing, the parties respectfully request that the Court stay this action  
5 pending its transfer to MDL No. 1657.

6  
7  
8 DATED: February \_\_, 2006.

9 REED SMITH LLP

10 By \_\_\_\_\_/s/  
11 Andrea McDonald-Hicks  
12 Attorneys for Defendant  
13 Merck & Co., Inc.

14 DATED: February \_\_, 2006.

15 MARY ALEXANDER & ASSOCIATES, P.C.

16  
17 By \_\_\_\_\_/s/  
18 Mary E. Alexander  
19 Attorneys for Plaintiffs  
20 Andrew Garrick and Vel Garrick

21 DATED: February \_\_, 2006.

22 MORRIS POLICH & PURDY

23 By \_\_\_\_\_/s/  
24 Kanika Corley  
25 Attorney for Defendant  
26 McKesson Corp.

**[PROPOSED] ORDER**

Having considered the foregoing stipulation, and good cause appearing therefore, IT IS SO ORDERED.

DATED: March 2, 2006

/s/Lawrence K. Karlton  
Lawrence K. Karlton  
Senior Judge